

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL A. BALLESTRASSE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. [23-cv-05185-WHO](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 20

Plaintiff Paul Ballestrasse filed suit in October 2023, claiming that defendant United States of America was in breach of its duty to pay approximately \$3.9 million pursuant to a settlement agreement to which both parties were purportedly subject, and seeking a mandatory injunction forcing the government to disgorge the funds. Dkt. No. 1 (the Complaint). The Complaint contains few details about the alleged settlement agreement or the circumstances surrounding it. *See id.* Ballestrasse voluntarily dismissed his case on July 16, 2024. *See* Dkt. No. 14 (Notice of Voluntary Dismissal).

Five months later, he filed a “Motion for Relief from Dismissal” pursuant to Fed. Rule Civ. P. Rule 60. *See* Dkt. No. 17. Shortly thereafter, he filed another document expressing concerns about his case, including that all documents on the electronic docket are fraudulent. *See* Dkt. No. 20 (Renotice Motion). He offers no evidence to support this broad and, as described, implausible claim. He states that “[f]rom Document 1 to 15” on the electronic filing system in this case, “there is a disconnect between the action [he] authorized to be performed and every document in the docket,” and speculates that “[the] docket has been hijacked.” *Id.* at p. 5. He goes on to claim that *he* compiled documents that were never recorded properly in the court’s electronic filing system; he calls this purported compilation a “phantom docket.” *Id.* at pp. 5, 7. Among the

documents he identifies as comprising this “phantom docket” are orders signed and issued by Magistrate Judge Joseph Spero. *Id.* at p. 7.¹ He asks that I restore this case, *Ballestrasse v. United States*, No. 3:23-cv-05185-WHO, and “allow” for the documents “1-53,” which he describes as comprising the “phantom docket,” “TBS.” *Id.* at p. 8:4-5. It is unclear what the acronym “TBS” stands for, or to which documents Ballestrasse refers. He says that he has attached them to his motion, but they do not appear on the docket.

There are several problems with Ballestrasse’s request for relief that he must address, or else his case will be dismissed with prejudice.

ORDER TO SHOW CAUSE

First, it appears that defendant United States of America was never served. Ballestrasse is ORDERED to show cause why he has failed to serve the government for more than fifteen months, or, if he did serve the government, he is ORDERED to produce evidence of that service.

Second, Ballestrasse is ORDERED to show cause for the allegations in his Renotice Motion that “all” docket entries in this case “may be fraudulent (or false) and do not correspond with Court records available to Plaintiff.” Renotice Motion at p. 4. Without evidence plausibly supporting Ballestrasse’s sweeping claims about the inauthenticity of the docket, I will not grant his request for relief.

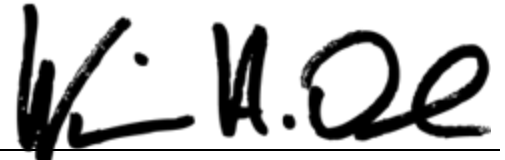
Ballestrasse may expunge this Order to Show Cause by filing responses made under oath and evidence that, together, address the issues identified above by no later than **February 21, 2025, at 5:00 PM**. If he does that and if the responses plausibly support his Renotice Motion, I will hold a Zoom hearing on **February 26, 2025, at 2:00 PM** at which Ballestrasse must appear

¹ At one point, he references another case he filed in this district, *Ballestrasse v. Barr*, No. 3:17-cv-01875-SK (N.D. Cal., filed Apr. 4, 2017), which he voluntarily dismissed after a settlement agreement was reached. He believes most of the documents filed in that case are accurate, with the exception of “[the] last nine documents,” which “may also be fraudulent filings.” Renotice Motion at p. 7. Among those nine documents are his notice of voluntary dismissal in light of a settlement agreement being reached, and Magistrate Judge Sallie Kim’s order of conditional dismissal. *See Ballestrasse v. Barr*, No. 3:17-cv-01875-SK, at Dkt. Nos. 190, 191. He seemingly offers that case and the fraud that he believes occurred with respect to the last nine documents as support for his theory that this case has a “phantom docket.” He offers no evidence to support his claim that any documents on Judge Kim’s docket are fraudulent or inauthentic.

1 and be prepared to address the court concerning his motion for relief. If he fails to file responses
2 as directed, or if the Court keeps the hearing on calendar but Ballestrasse fails to appear, his case
3 will be dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 Dated: February 5, 2025

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8 William H. Orrick
9 United States District Judge
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United States District Court
Northern District of California